

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

SEPTEMBER 17, 2008

The **Regular Meeting** of the Council of Commissioners was called to order Wednesday, **September 17, 2008** in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by Chief Executive Paul Babb.

ROLL CALL

9 present, 3 absent. Commissioners Frasz, Fay and Coleman were excused.

PRAYER

Commissioners were led in prayer by Commissioner Lee.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 3, 2008

It was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried with a unanimous verbal vote to approve the Minutes of the Regular Meeting of September 3, 2008

ITEMS NOT ON THE AGENDA SUSPENSION OF THE RULES

None

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

None

CHIEF EXECUTIVE'S REPORT

Chief Executive Babb reported that the Mining Summit was a success for our community. It was a way that we could network with other communities that are going through a lot of the same things that we're going through. Next year we will have representatives that will be attending so hopefully in the next three years we will have it back in Butte.

Last week at the Foreign Trade Zone hearing, we had good representation from throughout the community. We are on our way to getting our Foreign Trade Zone.

We do have some schedules and agendas for the Montana League of Cities and Towns meeting starting October 8th.

SECTION I CONTINUATION OF PUBLIC HEARING

FOR THE PURPOSE OF HEARING PUBLIC COMMENT ON FIXING THE BUTTE-SILVER BOW FINAL BUDGET FOR 2008 – 2009 FISCAL YEAR.

Jeff Amerman, Finance and Budget Director, stated the levy remains where it was last week at 296.66 mills. This is the fourth consecutive year of an increased mill levy. The value of the mill this year is \$49,824.00. This is now our second straight year of tax decreases based on the mill.

Chief Executive Babb opened the public hearing at 7:35PM and called for any proponents. On the third and final call there being none he called for any opponents. Again there was no response so he closed the public hearing at 7:36 PM.

SECTION II CONSENT AGENDA

- A.**
 - 1. COMMITTEE OF THE WHOLE MEETING REPORT
 - 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 - 3. JUDICIARY COMMITTEE MEETING REPORT
 - 4. PUBLIC WORKS COMMITTEE MEETING REPORT
 - 5. PERSONNEL COMMITTEE MEETING REPORT

B. COMMUNICATIONS

Before entertaining a motion for approval of the Consent Agenda, Chief Executive called for any segregations. Commissioner O'Leary segregated Section VIII of the Committee of the Whole Meeting Report. The "friendly amendments" are Item No. 3, Communication No. 08-640, the recommendation was left off. It should read "concur and schedule bid opening for 10/8/08 and hold in Committee of the Whole. The next "Friendly amendment" is on Item No. 25, Communication No. 08-653 from "concur and place on file" to "refer to Committee of the Whole". On No. 26, Communication No. 08-654 a "friendly amendment" to add to the recommendation "hold in Committee of the Whole". On page 9, on the commissioners agenda the number is left off of the Suspension of the Rules for Final Passage. It should be Resolution No. 08-85. Finally, on page 19, Section XVII in the recommendation the resolution No. is 09-81 and it should be 08-81. Commissioner Moodry segregated No. 23, Communication No. 08-650. Commissioner Shaw said on page 4, Item 3, the commissioners' agenda shows the date as 9/14/08 and it should be 9/17/08.

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried with a unanimous verbal vote to approve the Consent Agenda, Section A, Items 1 through 5 and Section B, Items 1 through 27 with the exception of those items segregated

Segregation of Section VIII of the Committee of the Whole Report

Communication No. 08-585 – Jeff Amerman, Finance and Budget Director, requesting time on the 8/20/08 agenda to make a presentation on FY 2008 – 2009 preliminary budget.

Jeff Amerman, Finance and Budget Director, came to the microphone and presented Exhibit E to the Commissioners which is the final amendment for proposed amendments to the 2008 – 2009 Preliminary Budget. He explained the adjustments.

It was moved by Commissioner O’Leary that the amendments outlined in Exhibit E of the preliminary Budget be approved and it be attached as part of the preliminary budget. Commissioner Mulcahy seconded the motion. On the question Commissioner Lee asked if this included Exhibit D also. He was told that is correct. Commissioner Sorich asked that Ms. Phillips be available for questions. Lee Phillips, 322 North Alabama, came to the microphone. Commissioner Sorich asked her what she was going to do with the \$11,650 she had requested. She replied that is for our projected expenses for contracts that the commission and Chief Executive have already committed to and need to be paid. Also what is left will be used to pay Johnson Controls for the finishing and installation of the pumps of the chiller. The motion passed with a unanimous verbal vote.

Segregation of Communication No. 08-650

Karen Byrnes, Director Community Development Director, requesting authorization for Chief Executive to execute the amended lease between the Consolidated City and County of Butte-Silver Bow and SeaCast of Montana.

Commissioner Moodry said they had deferred \$100,000 of their lease payments per year for the first 10 years. They had asked that the deferment be contingent on the creation of jobs. The lease states it will create 30 jobs within year one and 40 jobs at the end of year two and 50 jobs at the end of year three to maintain the deferment which is exactly what the purpose of this deferment is to create jobs and develop our TIFID. The one question he had is that the 50 jobs be maintained. County Attorney McCarthy said that there are members of SeaCast present in the audience and he believes it would be appropriate to have them make that commitment here. Mike Robbins, 1119 First Avenue, Seattle, Washington, said he had no problem with that. It could be much more than that.

Commissioner Moodry then moved that Communication No. 08-650 be approved and placed on file. Commissioner Mulcahy seconded the motion and it carried with a unanimous verbal vote.

SECTION III COMMUNICATIONS TO BE READ AND ACTED UPON

1. 08-638 Karen Byrnes, Community Development Director, requesting approval of recommendation from Tax Abatement Review Committee for Council to approve the Tax Abatement Request By Tri-City Development

Karen Byrnes came to the microphone and told Council that Tri-City is requesting a Tax Abatement for a five-year tax abatement for remodeling, expansion and reconstruction of commercial property. It amounts to about a \$66,000 abatement of taxes on a two million dollar project over the five years. There will be jobs created.

It was moved by Commissioner O’Leary and seconded by Commissioner Lee to concur with the request and place on file. Commissioner Mulcahy requested a roll call vote. The vote was 3 yeas, 6 nays and 3 absent. Request fails. Voting nay were Commissioner Sheehy, Moodry, Mulcahy, Sorich, Foley and Granger.

2. 08-639 Phyllis Ruana, Director of Animal Services, requesting time on the 9/14/08 agenda to present the proposal for a remodel of existing storage room at Chelsea Bailey Animal Shelter.

Phyllis Ruana, Director of Animal Services, came to the Microphone and said she wanted to give update on the proposal for the renovation of the storage room at the animal shelter to make it into a cat room. They received 3 bids for the proposed renovation – one bid came in at \$3500.00 from a contracting firm that supports our shelter and therefore has given us the remarkable rate. The other bids came in at \$11,000.00 and \$14,000.00 so they are thrilled hat this contracting company supports them and wants to donate as much as they are. Commissioner Shaw asked about the donated funds from last year and Ms. Ruana answered that the Albert’s Angel Fund has said they will totally pay for all the costs of this.

It was moved by Commissioner Sorich, seconded by Commissioner Moodry and carried with a unanimous verbal vote to approve Ms. Ruana’s request in Communication No.

3. 08-651 Lee Phillips, Library Director, requesting time on the 9/17/08 agenda to address the commission regarding the Library budget.

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It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried with a unanimous verbal vote to place Communication No. 08-651 on file.

SECTION IV

ORDINANCES AND RESOLUTIONS – FINAL READING

1. COUNCIL RESOLUTION NO. 08-66

A RESOLUTION ADOPTING THE FINAL BUDGET OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA FOR THE FISCAL YEAR 2008 – 2009 AND SETTING LEVIES FOR THE FISCAL YEAR 2008 – 2009 BASED ON THE VALUE OF A MILL OF \$48,416.00 CITY-COUNTY WIDE AND DECLARING THAT ALL PROTESTS AGAINST SAID BUDGET HAVE BEEN HEARD AND DISPOSED OF; DECLARING THAT SAID BUDGET CONTAINS A CORRECT STATEMENT OF THE AMOUNT TO BE APPROPRIATED FOR EACH OF THE FUNDS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW FOR THE FISCAL YEAR BEGINNING ON THE 1ST DAY OF JULY, 2008 AND ENDING ON THE 30TH DAY OF JUNE, 2009, AS FIXED IN SAID BUDGET PASSED ON THE 17TH DAY OF SEPTEMBER, 2008 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 8 yeas, 1 nay and 3 absent to place Council Resolution No. 08-66 on final reading and passed having been deemed fully read at length. Commissioner Sheehy voted nay. On the question Commissioner Sorich said Mr. Amerman just advised him that the correct value of a mill is \$49,824.00 versus \$48,416.00

2. COUNCIL RESOLUTION NO. 08-67

A RESOLUTION FIXING THE TAX LEVY OR SERVICE CHARGE FOR THE VARIOUS FUNDS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY OR SERVICE CHARGE FOR EACH FUND FOR FISCAL YEAR 2008 – 2009 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Lee, seconded by Commissioner O'Leary and carried with a roll call vote of 9 yeas, 0 nays and 3 absent to place Council**

Resolution No. 08-67 on final reading and passed having been deemed fully read at length.

3. COUNCIL RESOLUTION NO. 08-68

A RESOLUTION FIXING THE MANDATORY TAX LEVIES FOR THE VARIOUS FUNDS OF THE STATE OF MONTANA AT THE RATE WHICH WILL RAISE THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2008-2009 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN BE IT RESOLVED BY THE COUNCIL OF COMMISSIONERS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA. **It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 9 yeas, 0 nays and 3 absent to place Council Resolution No. 08-68 on final reading and passed having been deemed fully read at length.**

4. COUNCIL RESOLUTION NO. 08-69

A RESOLUTION FIXING THE TAX LEVY FOR THE TOWN OF WALKERVILLE, STATE OF MONTANA AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2008 – 2009 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Lee, seconded by Commissioner O’Leary and carried by a roll call vote of 9 yeas, 0 nays and 3 absent to place Council resolution No. 08-69 on final reading and passed having been deemed fully read at length.**

5. COUNCIL RESOLUTION NO. 08-70

A RESOLUTION ESTIMATING AS NEAR AS POSSIBLE THE COST OF MAINTAINING SPECIAL IMPROVEMENT DISTRICTS NUMBER 401 AND NUMBER 402 FOR THE PURPOSE OF FIRE HYDRANT RENTAL WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, FOR THE FISCAL YEAR 2008 – 2009 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 9 yeas, 0 nays and 3 absent to place Council Resolution No. 08-70 on final reading and passed having been deemed fully read at length.**

6. COUNCIL RESOLUTION NO. 08-71

A RESOLUTION LEVYING SPECIAL ASSESSMENTS TO PAY THE COSTS OF LIGHTING WITHIN THE SPECIAL IMPROVEMENT DISTRICTS ENUMERATED BY THIS RESOLUTION WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND

PROVIDING FOR AN EFFECTIVE DATE HEREIN. It was moved by Commissioner Lee, seconded by Commissioner O'Leary and carried by a roll call vote of 9 yeas, 0 nays and 3 absent to place Council Resolution No. 08-71 on final reading and passed having been deemed fully read at length.

7. COUNCIL RESOLUTION NO. 08-72

A RESOLUTION FIXING AND ESTABLISHING SEWER RATES AND SERVICE CHARGES FOR THE OPERATION AND MAINTENANCE OF THE METRO SEWER SANITARY AND STORM SEWER SYSTEM AND FOR THE OPERATION AND MAINTENANCE OF THE METRO SEWER TREATMENT PLANT BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA FOR THE FISCAL YEAR 2008 – 2009; FIXING AND ESTABLISHING AN ADDITIONAL CHARGE FOR A CAPITAL IMPROVEMENT FUND TO DEFRAY THE COST OF ENVIRONMENTALLY MANDATED IMPROVEMENTS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. It was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried by roll call vote of 9 yeas, 0 nays and 3 absent to place Council Resolution No. 08-72 on final reading and passed having been fully read at length.

8. COUNCIL RESOLUTION NO. 08-73

A RESOLUTION LEVYING A SPECIAL ASSESSMENT FOR THE FISCAL YEAR 2008 – 2009 AGAINST THE PROPERTY FROM WHICH SOLID WASTE IS TO BE COLLECTED AND REMOVED FROM EACH INDIVIDUAL DWELLING COLLECTION UNIT FOR THE PURPOSE OF DEFRAYING THE COST AND EXPENSES OF COLLECTING AND REMOVING SAID SOLID WASTE; LEVYING A LANDFILL FACILITY ACCESS FEE FOR THE FISCAL YEAR 2008 – 2009 AGAINST THE PROPERTY FROM WHICH SOLID WASTE IS TO BE DISPOSED OF FOR EACH INDIVIDUAL DISPOSAL UNIT FOR THE PURPOSE OF DEFRAYING THE COST AND EXPENSES OF MAINTAINING AND OPERATING SAID SOLID WASTE DISPOSAL FACILITY AND ESTABLISHING A SCHEDULE OF FEES FOR SUCH ASSESSMENT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. It was moved by Commissioner Lee, seconded by Commissioner O'Leary and carried by a roll call vote of 9 yeas, 0 nays and 3 absent to place Council Resolution No. 08-73 on final reading and passed having been deemed fully read at length.

9. COUNCIL RESOLUTION NO. 08-74

A RESOLUTION FIXING THE RATE OF ASSESSMENT TO FINANCE THE COST OF EACH STREET MAINTENANCE DISTRICT WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, FOR THE FISCAL YEAR 2008 – 2009 AND PROVIDING FOR AN EFFECTIVE

DATE HEREIN. It was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried by a roll call vote of 9 yeas, 0 nays and 3 absent to place Council Resolution 08-74 on final reading and passed having been deemed fully read at length.

10. COUNCIL RESOLUTION NO. 08-75

A RESOLUTION FIXING THE MANDATORY TAX LEVY FOR VARIOUS COUNTY WIDE FUNDS OF THE SCHOOL DISTRICTS WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2008 – 2008 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. It was moved by Commissioner Lee, seconded by Commissioner O'Leary and carried by a roll call vote of 9 yeas, 0 nays and 3 absent to place Council Resolution No. 08-75 on final reading and passed having been deemed fully read at length.

11. COUNCIL RESOLUTION NO. 08-76

A RESOLUTION FIXING THE TAX LEVY FOR THE VARIOUS FUNDS OF BUTTE (COUNTY) HIGH SCHOOL DISTRICT NO. 1 AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2008 – 2009 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. It was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried by a roll call vote of 9 yeas, 0 nays and 3 absent to place Council Resolution No. 08-76 on final reading and passed having been deemed fully read at length.

12. COUNCIL RESOLUTION NO. 08-77

A RESOLUTION FIXING THE TAX LEVY FOR THE VARIOUS FUNDS OF BUTTE ELEMENTARY SCHOOL DISTRICT NO. 1 AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2008 – 2009 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. It was moved by Commissioner Lee, seconded by Commissioner O'Leary and carried by a roll call vote of 9 yeas, 0 nays and 3 absent to place Council Resolution No. 08-77 on final reading and passed having been deemed fully read at length.

13. COUNCIL RESOLUTION NO. 08-78

A RESOLUTION FIXING THE TAX LEVY FOR THE VARIOUS FUNDS OF THE JOINT HIGH SCHOOL DISTRICT AND THE JOINT ELEMENTARY DISTRICTS NO. 1 – 4 AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2008 – 2009 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried with a roll call vote of 9 yeas, 0 nays and 3 absent to place Council Resolution No. 08-78 on final reading and passed having been deemed fully read at length.**

14. COUNCIL RESOLUTION NO. 08-79

A RESOLUTION FIXING THE TAX LEVY FOR THE VARIOUS FUNDS OF RAMSAY ELEMENTARY SCHOOL DISTRICT NO. 3 AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2008 – 2009 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Lee, seconded by Commissioner O’Leary and carried by a roll call vote of 9 yeas, 0 nays and 3 absent to place Council Resolution No. 08-79 on final reading and passed having been deemed fully read at length.**

15. COUNCIL RESOLUTION NO. 08-80

A RESOLUTION FIXING THE TAX LEVY FOR THE VARIOUS FUNDS OF DIVIDE ELEMENTARY SCHOOL DISTRICT NO. 4 AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2008 – 2009 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 9 yeas, 0 nays and 3 absent to place Council resolution No. 08-80 on final reading and passed having been deemed fully read at length.**

16. COUNCIL RESOLUTION NO. 08-81

A RESOLUTION FIXING THE TAX LEVY FOR THE VARIOUS FUNDS OF MELROSE ELEMENTARY SCHOOL DISTRICT NO. 5 AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2008 – 2009 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Lee, seconded by Commissioner O’Leary and carried by a roll call vote of 9 yeas, 0 nays and 3**

absent to place Council Resolution No. 08-81 on final reading and passed having been deemed fully read at length.

17. COUNCIL RESOLUTION NO. 08-84

RESOLUTION RELATING TO \$5,880,000 WATER SYSTEM REVENUE REFUNDING BONDS, SERIES 2008, AND THE MUNICIPAL WATER SYSTEM; AUTHORIZING THE ISSUANCE OF THE BONDS AND THE EXECUTION AND DELIVERY OF A FIFTH SUPPLEMENTAL INDENTURE OF TRUST AND RELATED DOCUMENTS It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 9 yeas, 0 nays and 3 absent to place Council Resolution No. 08-84 on final reading and passed having been deemed fully read at length.

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 9 yeas, 0 nays and 3 absent to amend the top line of the amendment sheet to read “Council Resolution No. 08-84 instead of 44” and that the date in line 2 be amended to read “effective September 17, 2008”.

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 9 yeas, 0 nays and 3 absent that the amendments as outlined in Amendment No. 1, Items 1 through 12 be adopted.

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 9 yeas, 0 nays and 3 absent to place Council resolution No. 08-84 be passed on final reading as amended having been deemed fully read at length.

**SECTION V ORDINANCES AND RESOLUTIONS –
SUSPENSION OF THE RULES FOR FINAL PASSAGE**

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried with a roll call vote of 9 yeas, 0 nays and 3 absent to suspend the rules for the purpose of passing Council Resolution No. 08-85 by waiving subsection 7 of the Rule XXXVI of the Rules and Order of Business of the Council of Commissioners, thereby having it considered for advanced passage without reference to the Judiciary Committee.

1. COUNCIL RESOLUTION NO. 08-85

A RESOLUTION LEVYING SPECIAL ASSESSMENTS TO PAY THE COSTS OF CONSTRUCTION OF SIDEWALKS WITHOUT CREATION OF SPECIAL IMPROVEMENT DISTRICTS ENUMERATED BY THIS RESOLUTION

WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, FOR FISCAL YEAR 2008 – 2009 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 9 yeas, 0 nays and 0 absent to place Council Resolution No. 08-85 on final reading and passed having been deemed fully read at length.

At this time Commissioner Shaw mentioned that they have 2 other amendments on their desks for Council Resolution No. 08-66 and Council Resolution No. 08-67. County Attorney McCarthy said it would be necessary to go back and correct the action that was taken previously with respect to Section IV, Items 1 and 2 and incorporate these amendments to these resolutions.

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried with a roll call vote of 9 yeas and 0 nays and 3 absent to rescind our previous vote on Council Resolution No. 08-66.

It was moved by Commissioner Lee, seconded by Commissioner O’Leary and carried with a roll call vote of 9 yeas, 0 nays and 3 absent to rescind the vote of Council Resolution No. 08-67.

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 9 yeas, 0 nays and 3 absent to pass Council Resolution No. 08-66 on final reading having been deemed fully read at length.

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 8 yeas, 1 nays and 3 absent to adopt amendments No. 1, effective today, for Resolution No. 08-66.

Vote on Resolution as amended – roll call vote of 8 yeas, 1 yeas and 3 absent.

Item No. 2 – Council Resolution No. 08-67

It was moved by Commissioner O’Leary, seconded by Commissioner and carried by a roll call vote of 9 yeas, 0 nays and 3 absent to pass Council Resolution No. 08-67 on final reading having been deemed fully read at length.

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 9 yeas, 0 nays and 3 absent to adopt the amendments as outlined in Amendment No. 1 effective September 17, 2008 for Council Resolution No. 08-67.

Vote on Resolution as amended – roll call vote of 9 yeas, 0 nays and 3 absent.

ADJOURN

Joe Lee brought up the matter of the League of Cities and Towns will meet in Missoula October 8, 9 and 10th. Do we have to reschedule that meeting.?

There being no further business to come before the council, it was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried with a unanimous verbal vote to Rise to the Call of the Chair.

The meeting adjourned at 8:45 PM.

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER